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*Secretary for
Environmental
Protection*

State Water Resources Control Board

Division of Water Rights

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Arnold Schwarzenegger
Governor

NOTICE OF APPLICATION TO APPROPRIATE WATER BY PERMIT

APPLICATION: 31310
APPLICATION: 31402

DATE FILED: March 26, 2002
DATE FILED: March 19, 2003

Notice is hereby given that Clifford G. Silacci has filed two applications for water right permits to divert water as follows: Application 31310 (1) Alisal Creek tributary to Alisal Slough thence Salinas River and (2) Unnamed Stream tributary to Dunn Canyon thence Alisal Creek, and (3) Dunn Canyon tributary to Alisal Creek and Application 31402 on (1) an Unnamed Stream tributary to Natividad Creek thence Alisal Slough and (2) Alisal Creek tributary to Alisal Slough thence the Salinas River, all located in Monterey County. The State Water Resources Control Board (SWRCB) will determine whether a water right permit should be issued for the application and, if so, whether conditions are needed in the permits to protect the environment, the public interest, and downstream water users. This notice provides a description of the proposed projects and also describes the procedure and time frame for submittal of protests against the application. This notice may be viewed at the Division of Water Rights' (Division) website at www.waterrights.ca.gov. Any correspondence directed to the applicant should be mailed to:

Clifford G. Silacci
c/o Daniel Kelly
Somach, Simmons and Dunn
813 Sixth Street, Third Floor
Sacramento, CA 95814-2403

Application 31310

Description of Project

The applicant seeks a right to continue to divert water into two existing reservoirs as follows: Reservoir No. 2 is located on Alisal Creek with a 25-foot-high dam forming a 14.5 acre-foot (af) on-stream reservoir with a surface area of 1.7 acres; and Reservoir No. 3 is located on an Unnamed Stream tributary to Dunn Canyon with a 40-foot high earthen dam forming a 20.2 af capacity on-stream reservoir with a surface area of 2.1 acres. Reservoir No. 2 impounds water in Alisal Creek. Water in Reservoir No. 3 is diverted from (1) an unnamed stream by gravity and (2) Dunn Canyon by gravity flow via an 8-inch diameter pipeline (a small section of the pipeline is 6-inch), 1000-feet in length to the reservoir. The maximum rate of diversion to offstream storage from Dunn Canyon is 100 gallons per minute (0.22 cubic foot per second). The primary purpose for the water collected to storage will be for stockwatering. Stockwatering purposes include a range operation of 1500 cattle (Reservoir No. 2 has 800 head of cattle and Reservoir No. 3 has 700 head of cattle.) Irrigation is a beneficial use since the applicant occasionally moves the water from the two reservoirs down to Bardin Reservoir (covered by water right Application 31402 and a claim of pre-1914 appropriative right) for the purpose of drip and sprinkler irrigating 300 acres of pasture and row crops year-round. The project is located approximately six miles northeast from Salinas.

Summary of Application 31310

California Environmental Protection Agency

Recycled Paper

APPLICATION 31310 and 31402

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County: Monterey.

Source: (1) Alisal Creek tributary to Alisal Slough thence Salinas River;
(2) Unnamed Stream tributary to Dunn Canyon thence Alisal Slough; and
(3) Dunn Canyon tributary to Alisal Creek thence Alisal Slough thence Salinas River.

Points of
Diversion: (1) Located within the NW¼ of NE¼ of Projected Section 21;
(2) Located within the SW¼ of SE¼ of Projected Section 22; and
(3) Located within the NW¼ of NE¼ of Projected Section 27;
all within T14S, R4E, MDB&M.

Storage
Amount: 20.2 acre-feet annually (afa) in Reservoir No. 2 from Alisal Creek and
14.5 afa in Reservoir No. 3 from an unnamed stream and Dunn Canyon
(combined total amount not to exceed 35 afa).

Season: November 1 through February 28 of the succeeding year.

Purpose(s): Irrigation and Stockwatering

Place of Use:

Use Within	Projected Section	Township	Range	B & M	If Irrigated	
					Number of Acres	Presently Cultivated (Y/N)
SW¼ of SW¼	19	14S	4E	MD	30	Yes
SE¼ of SW¼	19	14S	4E	MD	40	Yes
NE¼ of SW¼	19	14S	4E	MD	25	Yes
SW¼ of SE¼	19	14S	4E	MD	38	Yes
SE¼ of SE¼	19	14S	4E	MD	20	Yes
NW¼ of SE¼	19	14S	4E	MD	32	Yes
NE¼ of SE¼	19	14S	4E	MD	10	Yes
NE¼ of NW¼	30	14S	4E	MD	40	Yes
NW¼ of NE¼	30	14S	4E	MD	15	Yes
SE¼ of NW¼	30	14S	4E	MD	20	Yes
NW¼ of NE¼	30	14S	4E	MD	15	Yes
SW¼ of NE¼	30	14S	4E	MD	15	Yes
TOTAL					300	

Application 31402**Description of Project**

The applicant seeks a right to continue to divert water into an existing on-stream reservoir (Bardin Reservoir). The reservoir is formed by a 25-foot-high dam and has a surface area of 15 acres. The total capacity of the reservoir is 133.19 af; however the applicant is only applying for 104.19 af, since the remainder of storage is covered by a claim of pre-1914 appropriative right. Water is diverted by gravity flow from (1) an unnamed stream to Bardin Reservoir and (2) from Alisal Creek via a 300-foot-long, 20-inch diameter pipeline into a 5,000-foot long open canal to Bardin Reservoir. Water is also diverted to Bardin Reservoir from Silacci's Lower Diversion (dam and diversion structure) via a 900-foot-long, 15-inch diameter pipeline to a pit type reservoir and thence pumped through a 12-inch diameter pipeline

approximately one mile from the distribution reservoir to Bardin Reservoir. Water can also be moved back by gravity to the pit type reservoir from Bardin Reservoir via the 12-inch diameter pipeline. The maximum rate of diversion to offstream storage is 0.11 cubic foot per second. The purpose of use is irrigation of 300 acres of pasture and row crops. The project is located approximately 5½ miles northeast from Salinas.

Summary of Application 31402

County: Monterey.
Source: (2) Unnamed Stream to Natividad Creek thence Alisal Slough thence Salinas River
(3) and (4) Alisal Creek tributary to Alisal Slough thence Salinas River.
Points of
Diversion: (2) Located within the NW¼ of SW¼ of Projected Section 20;
(3) Located within the SE¼ of NE¼ of Projected Section 20; and
(4) Located within the SE¼ of SE¼ of Projected Section 19,
all within T14S, R4E, MDB&M.
Storage
Amount: 104.19 afa.
Season: November 1 through February 28 of the succeeding year.
Purpose(s): Irrigation.
Place of Use: (Same as shown under Application 31310).

Environmental Information

The lead agency will prepare the appropriate environmental documents for the project according to the California Environmental Quality Act (CEQA) and its guidelines, and will determine whether or not the project will cause a significant effect on the environment. If you are not filing a protest, but wish to submit information that indicates the project may cause a significant effect on the environment, please send this information to Steven Herrera; SWRCB, Division of Water Rights; P.O. Box 2000; Sacramento, CA 95812-2000. This information will be reviewed in accordance with CEQA.

PROTEST SUBMITTAL INFORMATION

Protest Requirements

A person may file a protest based on any of the following factors:

- Interference with prior water rights.
- Adverse environmental impact.
- Not in the public interest.
- Contrary to law.
- Not within the jurisdiction of the SWRCB.

All protests must clearly describe the objections to approval of the application and the factual basis for those objections. There must be a clear link between the proposed project and the objection to its approval. If the objection is based on interference with prior water rights, the protest must describe specifically what injury would result if the application is approved. In addition, the party claiming

interference with prior rights must provide specific information describing the basis of the prior right, the date the use began, the quantity of water used, the purpose of use and the place of use. Please note that any water right permit issued by the SWRCB is subject to vested water rights and will include conditions to protect such rights.

If the protest is based on an allegation that the proposed appropriation would not be within the SWRCB's jurisdiction, would not best conserve the public interest or public trust uses, would have an adverse environmental impact, or would be contrary to law, the protest must be accompanied by a statement of facts supporting the allegation.

For example, public interest protests should clearly indicate how the appropriation will affect the public; environmental protests should identify specific impacts and provide supporting recitals on the effect of the proposed project on plants, animals, fish, erosion, pollution, aesthetics, etc.; public trust protests must identify the navigable waters and public trust values that would be affected by the proposed project and how the project will impact public trust values.

All protests should include a description of any measures that could be taken to resolve the protest. The protest also must indicate the manner in which the protestant served upon the applicant a duplicate copy of the protest.

If sufficient information is not submitted, the SWRCB may reject the protest or request that the protestant submit additional information. Protests of a general nature (not project specific) or protests that are inconsistent with constitutional or legislated state policy will not be accepted. A request for information or a request that studies be conducted does not constitute a protest.

Procedure for Submitting Protests

Protests should be submitted on standard protest forms available from the Division of Water Rights' website at www.waterrights.ca.gov/forms/ or upon request from the Division of Water Rights. A pamphlet that provides additional information relating to water rights and the procedure for filing protests is also available on the website or by mail. Any requests or the submittal of the completed protest form should be directed to the engineer listed as the contact person at the end of this notice. **A copy of the completed protest form must also be mailed to the applicant.**

Protest Submittal Deadline

Protests submitted in response to this notice must be received by the Division by 3:00 p.m. on the **40th** day after the date of this notice (the close of the protest period). Protests may be submitted by any of the following methods:

1. Mailed to Division of Water Rights; P. O. Box 2000; Sacramento, CA 95812-2000
2. Faxed to the Division at (916) 341-5400
3. E-mailed to the engineer listed below under the heading "Contact Person"
4. Hand-delivered to the Division office located at 1001 "I" Street, 14th Floor, Sacramento, CA

If you choose to fax or e-mail the protest due to the constraints of the noticing period, the fax or e-mail must be followed by timely delivery of an original signed copy, either personally or by mail, to the Division of Water Rights in order for the protest to be accepted. The SWRCB will respond to all protests within 40 days of the final day to file a protest. **Protests not submitted by the close of the protest period will be subject to rejection.**

For good cause, the SWRCB may grant an extension of time to file a protest. It is the protestant's responsibility to contact the engineer listed below as "Contact Person" to request the extension prior to the end of the protest period.

Resolution of Protests

The applicant will have 30 days to respond to a protest once it is accepted by the Division of Water Rights. The protestant and the applicant are expected to make a good faith effort to resolve the protest within 180 days from the close of the protest period.

This is a "minor" project (the proposed diversion is 3 cubic feet per second or less by direct diversion or 200 acre-feet or less per year by storage) as defined by section 1348 of the Water Code. Therefore, any protest issues not resolved by the applicant or by provisions of section 1335 of the Water Code will be decided by the Chief, Division of Water Rights, following a field investigation.

CONTACT PERSON

To obtain additional information regarding this project, or to obtain copies of protest forms, or general information pamphlets, please contact Patricia Meroney by phone at (916) 341-5354 or by electronic mail at pmeroney@waterrights.swrcb.ca.gov. Information and protest forms are also available at the Division's website: www.waterrights.ca.gov/forms/.

Date of Notice: **December 24, 2004**